

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**2005 BAPCPA  
GENERAL ORDER NO. 05-08  
CHAPTER 13 PRE-CONFIRMATION  
ADEQUATE PROTECTION PAYMENTS**

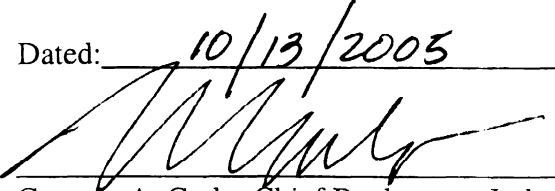
All adequate protection payments required by 11 U.S.C. §1326(a)(1) shall be paid as follows:

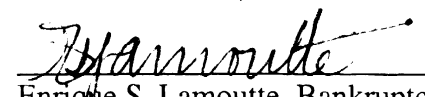
1. The debtor shall pay directly to the lessor all payments scheduled in a lease of personal property for that portion of the obligation that becomes due after the order for relief or in a case converted from another chapter after the filing of a plan. Absent a timely objection to confirmation of the proposed plan, the debtor is presumed to have made these payments as required under 11 U.S.C. §1326(a). The Chapter 13 plan shall provide that payments to lessors will be paid directly, hence there shall be no reduction in the Chapter 13 plan payment for these direct payments.
2. The Chapter 13 plan shall provide that §1326(a)(1) pre-confirmation adequate protection payments to a creditor holding an allowed claim secured by personal property, to the extent that the claim is attributable to the purchase of such property by the debtor for that portion of the obligation that becomes due after the order for relief is entered, shall be made through the Chapter 13 trustee, unless the court orders otherwise.
  - a. The debtor shall list in the proposed Chapter 13 Plan the creditor name, address, account number and payment for each secured creditor receiving a §1326(a)(1) pre-confirmation adequate protection payment for cases filed on or after October 17, 2005.
  - b. The Chapter 13 trustee shall not remit any adequate protection payment to any secured claimant who is not listed in the Chapter 13 Plan to receive those payments for cases filed on or after October 17, 2005, absent other order of the court.
  - c. All adequate protection payments paid through the Chapter 13 trustee shall be subject to the trustee's statutory percentage fee, as set by the designee of the United States Attorney General, and the Chapter 13 trustee shall collect such fee at the time of the distribution of the adequate protection payment to the claimant.
  - d. No adequate protection payments shall be paid until a duly supported proof of claim is filed, i.e. with evidence of perfection of security included.

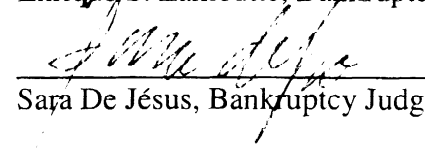
- e. All adequate protection payments through the Chapter 13 trustee shall be made in the ordinary course of the trustee's business from funds in the case as they become available for distribution to claimants.
- f. All adequate protection payments through the Chapter 13 trustee shall be made in the equal monthly amount provided for the claimant in the Chapter 13 plan.
- g. Pursuant to 11 U.S.C. §1326(a)(3), claimants may file objections to the adequate protection treatment provided by the plan. The Chapter 13 trustee shall continue to make payments to the movant in the equal monthly amount provided in the plan until the court orders otherwise.
- h. Upon the dismissal or conversion to another chapter of a case prior to the confirmation of a Chapter 13 plan, the Chapter 13 trustee shall make the pre-confirmation adequate protection payments, or a portion thereof, from any funds available for that purpose received on or before the date of the entry of the order of dismissal or conversion to creditors that have filed proofs of claim prior to the date of the dismissal or conversion.
- i. The principal amount of the adequate protection recipient's claim shall be reduced by the amount of the adequate protection payments remitted to the claimant unless the court orders otherwise.

This order is in effect until further notice or order of the court.

Dated: 10/13/2005

  
Gerardo A. Carlo, Chief Bankruptcy Judge

  
Enriette S. Lamoutte, Bankruptcy Judge

  
Sara De Jesus, Bankruptcy Judge